

BOARD OF ALDERMEN

ITEM NO. D(3)

AGENDA ITEM ABSTRACT

MEETING DATE: May 07, 2002

TITLE: Public Hearing: Land Use Ordinance Text Amendments Relating to Village Mixed-Use and Office/Assembly Developments

DEPARTMENT: Planning	PUBLIC HEARING: NO
ATTACHMENTS: A. Draft Ordinance – Provisions relating to VMU and O/A Developments B. Land Use Ordinance Amendment Request C. LUO Sections 15-136 (10), 15-146, 15-176.2, 15-177, 15-291 D. Summary of Amendments and Recommended Action E. Section 15-141.2 F. Advisory Board Recommendations	FOR INFORMATION CONTACT: Patricia McGuire, Planning Administrator -- 918-7327 Mike Brough, Town Attorney – 929-3905

PURPOSE

The Board of Aldermen has set a public hearing to receive comment on proposed changes to the Land Use Ordinance relating to Village Mixed-Use and Office/Assembly developments. The Administration recommends that the Board of Aldermen adopt the proposed ordinance, with noted modifications.

INFORMATION

Robert L. Chapman, III and other associates in the Winmore Land Management LLC have been meeting with staff over the past eight months in conjunction with preparing a development application for a village mixed use (VMU) development. In reviewing the land use ordinance provisions for VMUs, the applicants have identified areas where adjustments to the regulations would be clearer, consistent, and/or satisfying when incorporated into a development proposal. A land use ordinance amendment request has been submitted (*Attachment B*). The request includes both a cover sheet and two memoranda that specify the reasons for the requested changes.

In discussing with citizens the implementation of the NSA plan over the past two and a half years, it has been noted that the lack of retail uses in the O/A conditional use district may limit the feasibility of these districts. The lack of retail could result in a largely single-use type of development, from which employees would be forced to travel in order to obtain basic retail services. Since the O/A CU is based on the O/A district, a change to the uses permitted would make a slightly greater mix of uses available for consideration in any potential O/A or O/A CU development.

A draft ordinance that responds to Mr. Chapman's request, with some modification, and seeks to address the O/A issue noted above, has been prepared (*Attachment A*). Copies of the Land Use Ordinance sections (i.e. Sections, 15-136 (10), 15-146, 15-176.2, 15-177, 15-291) to which additions, deletions, or substitutions are proposed are attached (*Attachment C*). On March 19th, the Board of Aldermen set a

public hearing date of May 7, 2002 for the receipt of comments on the proposed changes and referred the draft ordinance to the Planning Board, Transportation Advisory Board, Appearance Commission, and Northern Transition Area Advisory Committee.

Overview of Proposed Land Use Ordinance Amendments

A table listing the requested/proposed changes to the Land Use Ordinance, the action in follow-up to each request/proposal, and staff comments has also been prepared and is attached (*Attachment D*). Recommended action relating to each change is also presented. Summary comments are noted below.

VMU Provisions. While the draft ordinance responds to nearly all of the requested changes, it is the opinion of Michael Brough, Town Attorney, that the adoption of Sections 2, 3, and 4 of the draft ordinance would make most of the other amendments unnecessary. Sections 2, 3, and 4, if adopted, would allow the Board of Aldermen to approve projects whose development standards did not specifically meet all the provisions spelled out in the Land Use Ordinance. These changes would allow the Board to consider a project designed in accordance with the existing provisions, a project that utilized an alternative set of design standards, or one that included a mix of existing and alternative design standards. Regardless of the design standards, it will also be necessary for any project to demonstrate that it will achieve the objectives specified in Section 15-141.2 (Village Mixed Use District Established) (*Attachment E*).

O/A Provisions. To allow for limited retail use within office/assembly developments, staff has included ordinance changes that, if adopted, would allow limited retail uses. The draft ordinance proposes a maximum for retail uses of 25 percent of the gross square footage of an office/assembly development. During the review of the draft ordinance in March, clarification regarding the 25 percent limit on retail uses was requested. The 25 percent limit was selected to expand the utility of O/A developments while managing the intensity of permitted uses that may occur within them. This limitation should preserve the intent of the O/A, and preserve the non-retail uses as dominant activities, while allowing a reasonable mix of uses. The O/A zone emphasizes office and light manufacturing activities, however other uses are currently allowed. Among those that may be considered of similar intensity to the retail uses proposed are dry cleaners, open-air markets, temporary residences, restaurants, storage, movie theatres, churches, museums, and day care uses. The district was envisioned as a place where various enterprises could provide employment in close proximity to arterial streets and designed in such a fashion as to be compatible with nearby residential development and accessible via alternative modes of transportation.

The draft ordinance was submitted to Orange County on March 28, 2002. Per a telephone conversation with Planning Director, Craig Benedict, on May 3, 2002, no conflicts with the Joint Planning Agreement have been noted. The draft ordinance was submitted to the advisory boards on March 28, 2002. The Appearance Commission, Transportation Advisory Board, Environmental Advisory Board and Northern Transition Area Advisory Committee have made recommendations on the draft ordinance. The Planning Board, due to the lack of a quorum at their meeting on May 2nd was not able to complete its review. The "committee of the whole" (Stan Babiss, Randee Have-O'Donnell, and Ande West) that was in attendance at the meeting is forwarding the minutes from the April 18 meeting and is also requesting that the Board of Aldermen grant the Planning Board an extra 30 days to review the draft. Copies of the recommendations and minutes are attached (*Attachment F*).

RECOMMENDATION

The Administration recommends that the Board of Aldermen adopt “An Ordinance Amending the Land use Ordinance Provisions Relating to Village Mixed-Use and Office/Assembly Developments,” subject to the modifications noted in the staff summary and recommended actions.